
UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF TEXAS

ERWIN EUGENE SEMIEN,

Plaintiff,

versus

UNITED STATES OF AMERICA,

Defendant.

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CIVIL ACTION NO. 1:18-CV-512

**MEMORANDUM ORDER ADOPTING THE MAGISTRATE
JUDGE'S REPORT AND RECOMMENDATION**

Plaintiff Erwin Eugene Semien, a prisoner confined at the Federal Correctional Institution in Beaumont, Texas, proceeding *pro se*, brought this civil action pursuant to the Federal Tort Claims Act.

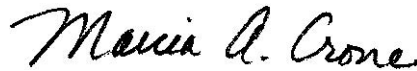
The court referred this matter to the Honorable Zack Hawthorn, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to applicable laws and orders of this court. The magistrate judge recommends denying defendant's motion to dismiss for lack of jurisdiction.

The court has received and considered the Report and Recommendation of United States Magistrate Judge filed pursuant to such order, along with the record, pleadings and all available evidence. No objections to the Report and Recommendation of United States Magistrate Judge were filed by the parties.

ORDER

Accordingly, the findings of fact and conclusions of law of the magistrate judge are correct, and the report of the magistrate judge (#15) is **ADOPTED**. Defendant's motion to dismiss (#12) is **DENIED**.

SIGNED at Beaumont, Texas, this 10th day of September, 2019.

A handwritten signature in black ink, reading "Marcia A. Crone". The signature is written in a cursive style with a horizontal line underneath it.

MARCIA A. CRONE
UNITED STATES DISTRICT JUDGE